

2



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,455	12/30/1999	KAZUHIRO FUJII	SIC-99-047	7874

29863 7590 07/01/2003  
DELAND LAW OFFICE  
P.O. BOX 69  
KLAMATH RIVER, CA 96050-0069

EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT	PAPER NUMBER
----------	--------------

3632

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

51

# Office Action Summary

Application No.

09/476,455

Applicant(s)

FUJII, KAZUHIRO

Examiner

Naschica S Morrison

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 6/12/03.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10,12-14,16-19,22-24,26-48 and 50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16,17,19,26-28,30-43,47 and 48 is/are allowed.
- 6) ☒ Claim(s) 10,12-14,18,22-24,29,44-46 and 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the sixth Office Action for serial number 09/476,455, Bell Crank Assembly and Mounting Bracket for a Bicycle Hub, filed on December 30, 1999. Claims 10, 12-14, 16-19, 22-24, 26-48 and 50 are pending.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/12/03 has been entered.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 12-14, 18, 22-24, 29, 44-46, and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the bicycle" in line 16 and "the rear wheel" in lines 17-18. There is insufficient antecedent basis for these limitations in the claim.

Claim 12 recites the limitation "the bicycle" in line 18 and "the rear wheel" in line 19. There is insufficient antecedent basis for these limitations in the claim.

Claim 44 recites the limitation "the bicycle" in line 16 and "the rear wheel" in line 17. There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 10, 14, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,184,993 to Swenson. Regarding claims 10, 14, and 18, Swenson discloses a one-piece mounting bracket (Figs. 1 and 5) comprising: a mounting bracket portion (5), an inclined transition portion (3) extending downwardly from the mounting bracket portion (5), a rear mounting portion (2) extending from the inclined transition portion (3), and a mounting member including a first mounting ear (6) projecting in a lateral direction; wherein the bracket portions are dimensioned and arranged wherein the bracket is capable of attachment to a bicycle rear wheel axle such that the axle extends through the rear frame mounting portion, the transition portion extends forwardly along the side the rear wheel, the mounting bracket portion is disposed in front of the rear frame mounting portion, and the first mounting ear extends laterally outward from the bicycle.

***Response to Arguments***

Applicant's arguments filed 6/12/03 have been fully considered Applicant's arguments with respect to claims 10, 14, and 18 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

Claims 12, 13, 22-24, 29, 44-46 and 50 would be allowable if claims 12 and 44 are rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 16, 17, 19, 26-28, 30-43, 47, and 48 are allowed.

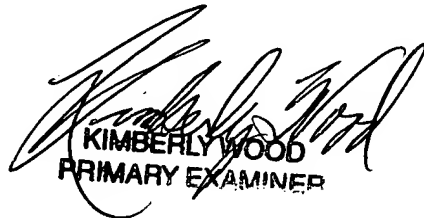
The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 12, 44, and 50, although the prior art of record discloses many of the limitations of the claims, it fails to further teach or suggest a front frame mounting bracket portion extending from the mounting bracket portion and (in the instance of claims 12 and 44) the bracket being capable of attachment to a bicycle rear wheel axle such that the axle extends through the rear frame mounting portion, the transition portion extends forwardly along the side the rear wheel, the mounting bracket portion is disposed in front of the rear frame mounting portion, and the first mounting ear extends laterally outward from the bicycle.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9326 (formal amendments) or (703) 872-9327 (After Final amendments).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325.

  
Naschica S. Morrison  
Patent Examiner  
Art Unit 3632  
6/25/03

  
KIMBERLY WOOD  
PRIMARY EXAMINER